

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Barbara Lynn McQuade

2. **Position**: State the position for which you have been nominated.

United States Attorney for the Eastern District of Michigan

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office:

U.S. Attorney's Office
211 West Fort Street, Suite 2001
Detroit, Michigan 48226

Residence:

[REDACTED]

4. **Birthplace**: State date and place of birth.

1964, Detroit, Michigan

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

University of Michigan Law School
September 1988 through May 1991
J.D., May 1991

University of Michigan
September 1983 through May 1987
B.A. in Communication and Economics, May 1987

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation

from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

Employment

1998-present:	U.S. Attorney's Office Eastern District of Michigan 211 West Fort Street, Suite 2001 Detroit, Michigan 48226 Assistant U.S. Attorney Deputy Chief, National Security Unit, 2005-present
2003-2009	University of Detroit Mercy School of Law 651 East Jefferson Avenue Detroit, Michigan 48226 Law Professor
1993-1998:	Butzel Long, P.C. 150 West Jefferson, Suite 100 Detroit, Michigan 48226 Associate Attorney
1991-1993:	Hon. Bernard A. Friedman U.S. District Court, Eastern District of Michigan 231 West Lafayette Boulevard, Room 100 Detroit, Michigan 48226 Law Clerk
July-August 1990:	Kirkland & Ellis LLP 200 East Randolph Street Chicago, Illinois, 60601 Summer Associate
May-June 1990:	U.S. Department of Justice, Antitrust Division Judiciary Center Building 555 4th Street, NW Washington, D.C., 20530 Summer Intern
Summer 1989:	Clark, Klein & Beaumont, P.C. 1001 Woodward Avenue Detroit, Michigan 48226 Summer Associate

1987-1988: Rochester Democrat and Chronicle
55 Exchange Boulevard
Rochester, New York;
Sports Writer and Copy Editor

Unpaid Officer and Director Positions

Angell Elementary School Parent-Teacher Organization
1608 South University Avenue
Ann Arbor, Michigan
Board Member (2004-2009)
Officer (2007-2009)

American Constitution Society, Michigan Chapter
No address
Board Member (2006-present)
Officer (2007-present)

Board for Student Publications, University of Michigan
420 Maynard Street
Ann Arbor, Michigan 48109
Board Member (1998-2004)
Co-Chair (2003-2004)

Democrats for Michigan
No longer in existence
Officer (1996-1998)

Leadership Detroit, Detroit Regional Chamber
1 Woodward Avenue, 19th Floor
Detroit, Michigan 48226
Board of Trustees (2005-present)

Volunteer Impact
6960 Orchard Lake Road, Suite 204
West Bloomfield, Michigan 48322
Board Member (1995-2001)

Washtenaw County Democratic Party
No address
Board Member (1998-2004)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I am not subject to the selective service registration requirement.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

From U.S. Attorney's Office:

Michele Tomsho Award for Integrity, Professionalism and Dedication to the Office and Community, 2006

Special Recognition Award for work in a national security export case, 2008

Special Recognition Award for Corporate Security Anti-Terrorism Conference, 2007

Special Recognition Award for prosecution in terrorism funding case, 2006

Special Recognition Award for security planning for Major League Baseball All-Star Game and Super Bowl XL, 2006

Special Recognition Award for providing Mutual Legal Assistance to the Government of Argentina for investigation of terrorist attack of Jewish community center, 2005

Special Recognition Award for outreach to Arab-American community, 2003

Special Recognition Award for computer crimes trial, June 1999

Employee Volunteer Service Award, April 1999

From other organizations:

Commendation for Outstanding Contributions in an export case from the U.S. Department of Homeland Security, Immigration and Customs Enforcement, 2008

Certificate of Commendation for "outstanding performance and invaluable assistance in support of the activities of the Environment and Natural Resources Division," U.S. Department of Justice, 2003

U.S. Fish & Wildlife award for "outstanding contribution to the protection of the world's wildlife resources," for prosecuting endangered species case, 2003

U.S. Postal Inspection Service recognition for “vital role in the successful conviction” of a defendant in a threats case, 2002

Department of Health and Human Services, Inspector General’s Integrity Award for work in child support enforcement, 1999

Graduated from the University of Michigan Law School *cum laude*, 1991

Graduated from the University of Michigan, College of Literature, Science and the Arts with high honors, 1987

I received small college scholarships from Comcast Corporation, Troy (Michigan) Elks Club, 21st Century, and Daughters of the American Revolution.

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

State Bar of Michigan

Member, 1991-present

Representative Assembly, 2002-2008

State Trial Courts Administration Committee, 1995-2001

Federal Bar Association, Eastern District of Michigan Chapter

Member, 1995-present

Officer, 2004-2009

Board member, 2000-2004

American Constitution Society, Michigan Chapter

Member, 2005-present

Officer, 2007-present

Board member, 2006-present

Women Lawyers Association of Michigan

Member, 1996-present

Detroit Metropolitan Bar Association

Member, 1995-2001

President, Barristers' Board, 1999-2000

Barristers' Board Member, 1995-2000

M.E.L.L. Program Co-Chair, 1996-98 (Medical, Education, Legal and Law Enforcement partnership to promote safe choices regarding gun safety and drug awareness in Detroit elementary schools)

American Bar Association, Young Lawyers Division, 1991-1999

Planning Board of the Human and Civil Rights Committee, 1997-1999

Washtenaw County Bar Association
Member, 1999-present

Sixth Circuit Life Member, 2008-present

Local Rules Committee, U.S. District Court, Eastern District of Michigan
Member, 2002-2008
Chair, 2007-2008

Civil Justice Reform Act Advisory Group, U.S. District Court, Eastern District of Michigan, 1995

Magistrate Judge Merit Selection Panel, 2001

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

State Bar of Michigan, admitted November 1991. There have been no lapses in my membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. District Court for the Eastern District of Michigan, 1991
U.S. Court of Appeals for the Sixth Circuit, 1993
U.S. Supreme Court, 1995

There have been no lapses in my membership in any of these courts.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Leadership Detroit, 2001-present
Graduate, Class XXIII, 2001-02
Board of Trustees, 2005-present
Session Coordinator, criminal justice issues, 2001-2008

American Civil Liberties Union, member, 2004-present

Board for Student Publications, University of Michigan
Member, 1998-2004
Co-Chair, 2003-2004

Washtenaw United Way
Day of Caring Breakfast Planning Committee, 2000-2002; Chair, 2001
Fund Distribution Panel, 2001

Volunteer Impact, Board of Directors, 1995-2001

Ann Arbor Briarwood Rotary Club, 1999-2003

Angell Elementary School Parent-Teacher Organization
Member, 2004-present
President, 2008-2009

Ann Arbor YMCA, 2007-present

Racquet Club of Ann Arbor, 2008-present

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Not to my knowledge.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Michigan Civil Procedure, Chapter 14, Trial Preparation, (ICLE, 1999-present and annual supplements), author

Survey of the Law of Civil Procedure, Wayne Law Review, (Summer 1999), author

The Attorney-Client Privilege and Work Product Doctrine in Michigan, (ICLE 1998), co-author

Survey of the Law of Evidence, Wayne Law Review, (Winter 1997), co-author

Now That You're Eighteen: Legal Rights and Citizenship Responsibilities, American Bar Association Young Lawyers Division, Citizenship Foundation Committee, (1998), co-author

In Focus: Criminal Justice – Leaders Must Work To Improve Reality and Perception of Public Safety, The Lowdown, Detroit Regional Chamber Newsletter (2004)

President's Column, Federal Bar Association, Eastern District of Michigan Chapter Newsletter, Fall 2008, Winter 2009, Spring 2009, Summer 2009

I have also written a number of newspaper articles about sporting events for *The Michigan Daily* (the student newspaper at the University of Michigan), and the *Democrat & Chronicle*, a daily newspaper in Rochester, New York. Copies of these articles, published between 1983 and 1988, are not readily available.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Diversity Task Force: Recommended Initiatives and Activities (2009) -- While I was President of the Eastern District of Michigan Chapter of the Federal Bar Association, the chapter's Diversity Task Force prepared a report under my direction. I reviewed and commented on drafts before the report's final submission to the bar association chapter.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Not applicable.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my personal records and publicly available databases, and found the following list of speeches and panel discussions in which I have participated. Where the precise date is unknown, I have provided the month or year of the speech.

Besides the speeches listed here, I have also participated in presentations at Detroit elementary schools as part of a program sponsored by the Detroit Metropolitan Bar Association to promote safe choices regarding guns and drugs, but I do not know the precise dates and locations of these presentations.

Judicial Clerkships, University of Michigan Law School, Ann Arbor, Michigan, March 1999

Career Talk, Roseville High School, Roseville, Michigan, March 1999

Choosing Michigan Law School, University of Michigan Law School, Ann Arbor, Michigan, March 1999

The Federal Grand Jury, Ann Arbor Briarwood Rotary Club, Ann Arbor, Michigan, February 2000

The Federal Grand Jury, Dexter Rotary Club, Dexter, Michigan, December 2000

Criminal Enforcement Tools, Michigan Business School, Ann Arbor, Michigan, November 2002

USA PATRIOT Act, Ann Arbor Jaycees, Ann Arbor, Michigan, August 2002

Terrorism and Homeland Security, St. Regis Catholic Church, Birmingham, Michigan, October 2002

USA PATRIOT Act, Leadership Oakland, February 2003

Homeland Security and the USA PATRIOT Act, Ann Arbor Briarwood Rotary Club, March 2003

Choosing Michigan Law School, University of Michigan Law School, Ann Arbor, Michigan, April 2003

USA PATRIOT Act, ALCU-Lansing, East Lansing, Michigan, April 2003

USA PATRIOT Act, Pittsfield Township Homeland Security Conference, Pittsfield Township, Michigan, May 2003

USA PATRIOT Act, Washtenaw County Democratic Party, June 2003

Balancing Work and Family, Judicial Interns, Theodore Levin U.S. Courthouse, Detroit, Michigan, July 2003

USA PATRIOT Act, Michigan State University Leadership Institute, East Lansing, Michigan, August 2003

USA PATRIOT Act Forum, U.S. Attorney's Town Hall Meeting, Wayne State University, Detroit, Michigan, July 2003

USA PATRIOT Act Forum, U.S. Attorney's Town Hall Meeting, Macomb County Community College, Clinton Township, Michigan, November 2003

USA PATRIOT Act Forum, U.S. Attorney's Town Hall Meeting, Southfield, Michigan, November 2003

USA PATRIOT Act Teaching Forum, U-M Flint, Flint, Michigan, November 2003

Career Talk, University of Michigan-Flint, Flint, Michigan, November 2003

Media and the Law, Oakland University, Rochester, Michigan, November 2003

Material Support to Designated Terrorist Organizations, BRIDGES, Dearborn, Michigan, March 2004

USA PATRIOT Act Forum, Wayne State University, Detroit, Michigan, September 2004

Post-9/11 federal surveillance law, University of Michigan-Dearborn, Dearborn, Michigan, March 2005

USA PATRIOT Act, League of Women Voters, Grosse Pointe, Michigan, April 2005

Careers as a Prosecutor, University of Michigan Student Chapter of American Constitution Society, Ann Arbor, Michigan, April 2009

For the following list of speeches, I did not speak from prepared text and no transcripts are available. I have searched my records and was unable to find any outlines or notes.

Career Options, Women and the Law Symposium, University of Michigan Law School, Ann Arbor, Michigan, January 2001

Project Sentry Gun Safety Program, Brewer Elementary School, 2002

Project Sentry Gun Safety Program, Columbus Middle School, Detroit, Michigan, 2003

Project Sentry Gun Safety Program, Grayling Elementary School, Detroit, Michigan, 2003

USA PATRIOT Act, University of Michigan, Ann Arbor, Michigan, March 2004

Criminal Justice Response to 9-11, Project Northstar, Windsor, Ontario, May 2005

Judicial Clerkships, University of Detroit Mercy School of Law, Detroit, Michigan, March 2006

National Security, Detroit Orientation Institute, Wayne State University, Detroit, Michigan, April 2006

Use of Intelligence in Criminal Investigations, Bureau of Justice Assistance Training for Law Enforcement Officers, East Lansing, Michigan, September 2006

Use of Intelligence in Criminal Investigations, Michigan Arson Investigators, Mt. Clemens, Michigan, October 2006

Corporate Waiver of Attorney-Client Privilege, State Bar of Michigan Representative Assembly, Grand Rapids, Michigan, September 2007

National Security, Detroit Orientation Institute, Wayne State University, Detroit, Michigan, October 2007

Federal Bar Association, Wayne State University Law School, Detroit, Michigan, October 2007

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all items called for in this question, including thorough a review of my personal files and searches of publicly available electronic databases. I have located the following:

AP, Ed White, "6 years in prison for woman who broke Iraq embargo," 3/25/09

The Jewish News, Judith Berne, "Miracle Worker," 1/22/09

The Detroit News, Paul Egan, "Dearborn man gets 18 months in prison for spying for Saddam Hussein," 12/14/07

Ann Arbor News, "Muslims in Ann Arbor challenge Patriot Act," 7/31/03

Ann Arbor News, "Attorney: Patriot Act resolution has errors," 6/19/03

Detroit Free Press, Joe Swickard, "For wife and husband, prosecuting together in the U.S. Attorney's Office is as natural as living together," 7/6/99

Copies of the following could not be found:

Homeland Security, *Due Process*, WDIV, Detroit, Michigan, February 2003

Alien Smuggling, *Due Process*, WDIV, Detroit, Michigan, 2002

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Precinct Delegate, Michigan Democratic Party, 2nd Ward, 4th Precinct, Ann Arbor, 1998-2004, elected

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Michigan Democratic Party

State Central Committee, 2001-2005

State Resolutions Committee, 2003-2005

Precinct Delegate, 4th Ward, 2nd Precinct, Ann Arbor, 1998-2004

Roosevelt Club Member, 2008-present
Century Club Member, approximately 1996-2008
Justice Caucus Member, 2004-present

Washtenaw County Democratic Party, 1998-present
Executive Board Member, 1998-2004
Voter Protection Committee Chair, Trainer, 2002, 2004, 2006

13th District Young Democrats, 1997-1998

Obama for America, 2008
Government Reform Policy Committee
Get Out the Vote Volunteer
Voter Protection Coordinator, Washtenaw County

Lawyers for Kerry, Washtenaw County Chair, 2004

Granholm for Governor Campaign, 2002, criminal justice issues committee

Hollowell for Secretary of State Campaign, 2002, Washtenaw County Chair

Granholm for Attorney General Campaign, 1998, researched juvenile crime issues

Democrats for Michigan, Political Action Committee, Treasurer, 1996-98

Dennis W. Archer Mayoral Election Committee, Archer's Arrows, 1997

Detroit Coordinated Campaign Committee, Get Out the Vote activities, 1996

Friends of Senator Carl Levin, fundraising, 1996

Sander Levin for Congress, fundraising, 1996

Carl Marlinga for U.S. Senate Campaign, issues director, 1994

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to the Hon. Bernard A. Friedman, U.S. District Court for the Eastern District of Michigan, 1991-1993.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1993-1998: Butzel Long, P.C.
150 West Jefferson, Suite 100
Detroit, Michigan 48226
Associate Attorney

1998-present: U.S. Attorney's Office, Eastern District of Michigan
211 West Fort Street, Suite 2001
Detroit, Michigan 48226
Assistant U.S. Attorney
Deputy Chief, National Security Unit, 2005-present

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I currently prosecute criminal cases in federal court and help manage the National Security Unit of the U.S. Attorney's Office as Deputy Chief. The nature of my practice changed in 1998 when I joined the U.S. Attorney's Office. Before that, I practiced commercial litigation as an associate at the Butzel Long law firm in Detroit.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As an Assistant U.S. Attorney, my client is the United States. Since 2002, I have specialized in national security matters, including terrorism financing, espionage, export violations, threats, and terrorism hoaxes. I hold a Top Secret-SCI security clearance. Between 1998 and 2002, I was assigned to the General Crimes Unit, prosecuting a variety of federal criminal cases, such as bank robbery, felons in possession of firearms, narcotics offenses, child support enforcement, and other federal criminal cases. As a lawyer in private practice between 1993 and 1998, I assisted on litigation teams in civil matters for a variety of institutional clients, including educational institutions, hospitals, non-profit agencies and corporations.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

As an Assistant U.S. Attorney between 1998 and 2003, 100 percent of my practice was in litigation, and I appeared in court frequently. My appearance in court has diminished as my management responsibilities have increased since 2003. Currently, approximately 75 percent of my practice is litigation and the rest is management. As a lawyer in private practice between 1993 and 1998, 100 percent of my practice was in litigation, but my appearance in court was infrequent.

i. Indicate the percentage of your practice in:

1. federal courts;

100 percent since becoming an Assistant U.S. Attorney in 1998; 30 percent as an associate in private practice

2. state courts of record;

0 percent as an Assistant U.S. Attorney, 70 percent while in private practice

3. other courts;

0 percent

4. administrative agencies

0 percent

ii. Indicate the percentage of your practice in:

1. civil proceedings;

0 percent as an Assistant U.S. Attorney; 100 percent while in private practice

2. criminal proceedings.

100 percent as an Assistant U.S. Attorney, 0 percent while in private practice

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried twelve cases to verdict. In ten of those cases, I served as sole counsel; in one case, I served as chief counsel; and in one case, I served as co-counsel.

i. What percentage of these trials were:

1. jury;

92 percent

2. non-jury

8 percent

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not engaged in any significant practice before the U.S. Supreme Court. As part of a litigation team in private practice, I contributed to a brief in opposition to a petition for *certiorari* in a civil securities case in *Becherer v. Merrill Lynch*. Case number 95-44.

15. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Hanna*. District Court Case Number 07-CR-20355; Opinion and Order Denying Defendant's Motion To Suppress Evidence Seized Under Search Warrants, 2008 WL 2478330 (E.D. Mich. 2008).

Two defendants were charged with exporting telecommunications equipment to the Government of Iraq shortly before the war began in 2003. Charges included export violations, conspiracy and money laundering. As an Assistant U.S. Attorney representing

the United States with co-counsel, I supervised and directed the investigation by agents of the Federal Bureau of Investigation, Internal Revenue Service and Immigration and Customs Enforcement, presented the case to a grand jury, reviewed search warrants, handled pre-trial motions, including the use of the Classified Information Procedures Act, supervised production of discovery, and served as lead counsel at trial. One defendant was convicted at trial, one defendant was acquitted. Defendant was sentenced to six years' imprisonment and \$1.1 million in forfeiture.

(a) Dates: 2003-present.

(b) Court and judge: U.S. District Court, Eastern District of Michigan, Hon. Marianne O. Battani.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties:

Co-counsel:

Mr. Michael C. Martin
Assistant U.S. Attorney
211 W. Fort. Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9670

Counsel for adverse parties:

Mr. N.C. Deday LaRene
LaRene & Kriger PLC
645 Griswold Street, Suite 1717
Detroit, Michigan 48226
(313) 967-0100

Mr. Thomas W. Cranmer
Miller Canfield Paddock & Stone PLC
840 W. Long Lake Road Suite 200
Troy, Michigan 48098
(248) 267-3381

2. *United States v. Shemami*. District Court Case Number 07-CR-20160.

Defendant was charged with acting as an agent of the Government of Iraq within the United States and exporting intelligence services to the Government of Iraq by reporting the activities of expatriate Iraqis in the United States and military information he had observed in Turkey. With co-counsel, I supervised and directed the investigation by agents of the FBI, presented the case to a grand jury, reviewed the search warrant, briefed and argued pre-trial motions, conducted an evidentiary hearing regarding the admissibility of intelligence files, negotiated defendant's guilty plea, and handled the plea hearing. Defendant was convicted by guilty plea and sentenced to 46 months' imprisonment.

(a) Dates: 2007-present.

(b) Court and judge: U.S. District Court, Eastern District of Michigan, Hon. Nancy G. Edmunds.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties:

Co-counsel:

Mr. Michael C. Martin
Assistant U.S. Attorney
211 W. Fort. Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9670

Counsel for adverse party:

Mr. Edward C. Wishnow
240 Daines Street
Birmingham, Michigan 48009
(248) 258-1991

3. *United States v. Farhat*. District Court Case Number 04-CR-80370; Sixth Circuit Case Number 07-1003/1253. Order Denying Motions for Separate Trials, 2006 WL 1108929 (E.D. Mich. 2006).

Eighteen defendants were charged in a conspiracy to defraud the U.S. bankruptcy court of more than \$1 million through crimes including racketeering, bankruptcy fraud, credit card fraud, mortgage fraud, and money laundering. With co-counsel, I supervised and directed the investigation by agents of the FBI and the Internal Revenue Service, presented the case to a grand jury, reviewed search warrants, briefed and argued pre-trial motions, prepared the case for trial, negotiated guilty pleas, and handled plea and sentencing hearings. Seventeen defendants were convicted by guilty plea, and one defendant agreed to pretrial diversion. Defendants were sentenced to prison terms ranging from probation to 78 months' imprisonment, which were affirmed on appeal.

(a) Dates: 2003-present.

(b) Court and judge: U.S. District Court, Eastern District of Michigan, Hon. John Corbett O'Meara; U.S. Court of Appeals for the Sixth Circuit, Hon. Alice M. Batchelder, Hon. Richard F. Suhrheinrich, Hon. Jeffrey S. Sutton.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties:

Co-counsel:

Ms. Cathleen Corken
Assistant U.S. Attorney
211 W. Fort. Street, Suite 2001
Detroit, Michigan 48226
(313) 226-0206

Counsel for adverse parties:

Mr. John Minock
Cramer & Minock PLC
339 East Liberty Street, Suite 200
Ann Arbor, Michigan 48104
(734) 668-2200

Mr. Douglas R. Mullkoff
Kessler Mullkoff & Hooberman LLP
402 West Liberty Street
Ann Arbor, Michigan 48103
(734) 761-8585

Mr. Michael J. Kemnitz
645 Griswold Street, Suite 1717
Detroit, Michigan 48226
(313) 967-0100

Mr. David C. Tholen
Federal Defender's Office
613 Abbott Street, Floor 5
Detroit, Michigan 48226
(313) 967-5542

Mr. William W. Swor
645 Griswold Street, Suite 3060
Detroit, Michigan 48226
(313) 967-0200

Mr. Mark H. Magidson
645 Griswold Street, Suite 2110
Detroit, Michigan 48226
(313) 963-4311

Mr. Peter J. Kelley
Peter J. Kelley PC
339 East Liberty Street, Suite 200
Ann Arbor, Michigan 48104
(734) 668-1344

Mr. Don Ferris
Ferris & Salter PC
4158 Washtenaw Ave
Ann Arbor, Michigan 48108
(734) 677-2020

Hoare & Lydia, P.C.
28545 Orchard Lake Road, #B
Farmington Hills, Michigan 48334
(248) 553-7777

Mr. Michael A. Rataj
Michael A. Rataj PC
535 Griswold Street, Suite 1030
Detroit, Michigan 48226
(313) 962-3500

Mr. Philip J. Thomas
15450 East Jefferson Avenue
Suite 160
Grosse Pointe Park, Michigan 48230
(313) 821-2600

Mr. Thomas W. Warshaw
30300 Northwestern Highway,
Suite 315
Farmington Hills, Michigan 48334
(248) 640-6272

Mr. Nicholas J. Vendittelli
6053 Chase Road
Dearborn, Michigan 48126
(313) 565-2400

Mr. Scott A. Keillor
2160 Washtenaw Road
Ypsilanti, Michigan 48197
(734) 487-5537

Mr. Lawrence J. Bunting
3190 Rochester Road Suite 100
Troy, Michigan 48083
(248) 689-4200

Mr. Lawrence Warren
Lawrence Warren PC
2000 Town Ctr Ste 900
Southfield, Michigan 48075
(248) 746-4031

Additional counsel for adverse parties on appeal:

Salvatore C. Adamo
412 Liggett Boulevard
Phillipsburg, NJ 08865
(212) 964-7983

Joseph A. Almeida
118 McDowell Avenue
Steubenville, Ohio 42952
(740) 282-1806

Frank D. Eaman
645 Griswold Street, Suite 3060
Detroit, Michigan 48226
(313) 962-7210

Mr. Richard M. Shulman
39533 Woodward Avenue, Suite 170
Bloomfield Hills, Michigan 48304
(248) 203-7799

Mr. William J. Winters, III
32401 8 Mile Road
Livonia, Michigan 48152
(313) 510-3316

Ms. Pamela R. Szydlak
615 Griswold Street, Suite 1620
Detroit, Michigan 48226
(313) 963-6660

Melvin Houston
15346 Asbury Park
Detroit, Michigan 48227
(313) 835-6479

Sanford A. Schulman
500 Griswold Street, Suite 2340
Detroit, Michigan 48226
(313) 963-4740

4. *United States v. Marleau et al.* District Court Case Number 01-CR-80217.

Ten defendants were charged with conspiring to bring undocumented Chinese nationals into the United States from Canada by smuggling them across the St. Clair River from Canada and into Michigan at a place other than an authorized port of entry. Six of the defendants were charged in the United States and four defendants were charged in Canada. I supervised and directed the investigation by agents of Immigration and

Customs Enforcement, presented the case to a grand jury, briefed and argued pre-trial motions, negotiated guilty pleas, handled plea and sentencing hearings, and handled the trial. One defendant was convicted at trial in the United States, five by guilty plea in the United States, and four by guilty plea in Canada. U.S. sentences ranged from probation to 43 months' imprisonment.

(a) Dates: 2001-2002.

(b) Court and judge: U.S. District Court, Eastern District of Michigan, Hon. Paul D. Borman.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties.

Counsel for adverse parties:

Ms. Patricia Streeter
221 North Main Street, Suite 300
Ann Arbor, Michigan 48104
(734) 222-0088

Mr. Frank Bari
305 Broadway, Suite 602
New York, NY 10007
(212) 267-6659

Mr. Daniel Blank
30150 Telegraph Road
Suite 444
Bingham Farms, Michigan 48025
(248) 645-1466

Mr. James J. Hoare
Hoare & Lydia, P.C.
28545 Orchard Lake Road, #B
Farmington Hills, Michigan 48334
(248) 553-7777

Mr. Richard Lustig, Esq.
Richard M. Lustig PC
240 Daines Street
Birmingham, Michigan 48009
(248) 258-1600

Mr. Richard O'Neill, Esq.
Federal Defender's Office
613 Abbott Street, Floor 5
Detroit, Michigan 48226
(313) 967-5852

5. *United States v. Roche*. District Court Case Number 00-CR-80356; Sixth Circuit Case Number 01-1634. 321 F.3d 607 (6th Cir. 2003).

Defendant was charged with obstructing justice by presenting false information to the federal district court at sentencing for his bank robbery conviction. I supervised the investigation by agents of the FBI, which included interviewing the victim judge, Hon. Paul D. Borman; presented the case to the grand jury; handled the plea and sentencing hearings; and handled the appeal in the Sixth Circuit. The defendant was convicted by guilty plea and sentenced to 18 months' incarceration. The conviction and sentence were affirmed on appeal.

(a) Dates: 2000-2001.

(b) Courts and judges: U.S. District Court, Eastern District of Michigan, Hon. George Caram Steeh; U.S. Court of Appeals for the Sixth Circuit, Hon. Damon J. Keith, Hon. Robert B. Krupansky and Hon. Eric L. Clay.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties:

Counsel for adverse party in the district court:

Mr. David C. Tholen
Federal Defender's Office
613 Abbott Street, Floor 5
Detroit, MI 48226
(313) 967-5542

Counsel for adverse party on appeal:

Mr. Mark H. Magidson
645 Griswold Street, Suite 2110
Detroit, Michigan 48226
(313) 963-4311

6. *United States v. Richardson et al.* District Court Case Number 00-CR-80374; Sixth Circuit Case Number 03-1919; 96 Fed. Appx. 970, 2004 WL 957909 (6th Cir. 2004).

Defendants were charged with conspiracy to manufacture and distribute narcotics in a school zone. I supervised and directed the investigation by agents of the FBI and the Violent Crimes Task Force, presented the case to a grand jury, served as sole counsel at trial, and handled the sentencing, appeal and motion to vacate sentence under 28 U.S.C. Section 2255. One defendant was convicted at trial, one by guilty plea. Sentences ranged from five to ten years' imprisonment. The case was affirmed on appeal.

(a) Dates: 1999-2005.

(b) Courts and judges: U.S. District Court, Eastern District of Michigan, Hon. John Feikens (handled pre-trial matters and guilty plea), Hon. Arthur J. Tarnow (handled trial, sentencing and post-conviction challenges); U.S. Court of Appeals for the Sixth Circuit, Hon. Cornelia Kennedy, Hon. Boyce F. Martin, Jr., Hon. John M. Rogers.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties:

Counsel for adverse parties in district court:

Mr. William B. Daniel
660 Woodward Avenue, Suite 1632
Detroit, Michigan 48226
(313) 963-5410

Mr. Robert Barnhart
Last known address:
22720 Woodward, No. 101
Ferndale, Michigan 48220
Telephone number unknown

Counsel for adverse party on appeal:

Ms. Joan Ellerbusch Morgan
2057 Orchard Lake Road
Sylvan Lake, Michigan 48320
(248) 335-9231

7. *United States v. Washington*. District Court Case Number, 00-CR-80546; Sixth Circuit Case Number 02-2522. 83 Fed. Appx. 110, 2003 WL 22976597 (6th Cir 2003).

Defendant was charged with two bank robberies. I supervised and directed the investigation by agents of the FBI, presented the case to a grand jury, briefed and argued motions, negotiated a plea agreement, handled the plea and sentencing hearings and handled the appeal. Defendant was convicted by guilty plea and sentenced to 74 months' imprisonment. The conviction and sentence were affirmed on appeal by the Sixth Circuit.

(a) Dates: 2000-2003.

(b) Court and judge: U.S. District Court, Eastern District of Michigan, Hon. Marianne O. Battani; U.S. Court of Appeals for the Sixth Circuit, Hon. Cornelia Kennedy, Hon. Boyce F. Martin, Jr., Hon. Karen Nelson Moore.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties:

Counsel for adverse party:

Mr. Douglas R. Mullkoff
Kessler Mullkoff & Hooberman LLP
402 West Liberty Street
Ann Arbor, Michigan 48103
(734) 761-8585

8. *United States v. Smith*. District Court Case Number 99-CR-81173.

Defendant was charged with impersonating a federal agent and making false statements after carrying a loaded handgun on a commercial airlines flight by posing as a Deputy U.S. Marshal. In fact, defendant was a body guard traveling with a professional singer. I supervised and directed the investigation by agents of the FBI, presented the case to a grand jury, served as sole trial counsel, and handled the sentencing. Defendant was convicted at trial and sentenced to 18 months' imprisonment.

(a) Dates: 2000-2001.

(b) Court and judge, U.S. District Court, Eastern District of Michigan, Hon. George Caram Steeh.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties:

Counsel for adverse party:

Mr. Harrison W. Munson
660 Woodward Ave Ste 1037
First National Bldg
Detroit, MI 48226
Phone: (313) 965-0555

9. *United States v. Odish*. District Court Case Number 06-CR-20523.

Defendant was charged with making a hoax threat and making false statements to government investigators in connection with her false report that two engineers of Iranian descent were planning to blow up the oil refinery where they were employed. I supervised and directed the investigation of agents of the FBI, presented the case to a grand jury, negotiated a plea agreement, and handled the plea and sentencing hearings. Defendant was convicted by guilty plea and sentenced to probation, counseling and a fine.

(a) Dates: 2005-2007.

(b) Court and judge: U.S. District Court, Eastern District of Michigan, Hon. Victoria A. Roberts.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties:

Counsel for adverse party:

Mr. Harold S. Fried
Fried Saperstein Abbatt PC
29800 Telegraph Road
Southfield, Michigan 48034
(248) 353-6500

Mr. Lawrence B. Shulman
Rubin & Shulman PLC
29800 Telegraph Road
Southfield, Michigan 48034
(248) 358-9400

10. *United States v. Anthony*. District Court Case Number 99-CR-80011.

Defendant, an accountant with a Master's Degree in Business Administration, was charged with willfully failing to pay child support in violation of federal law. He had willfully failed to pay a child support order of the Wayne County Circuit Court, and was living outside the State of Michigan, in Georgia, where he was beyond the reach of the court. I supervised the investigation by agents of the Department of Health and Human Services, presented the case to a grand jury, negotiated the plea agreement, and handled the plea and sentencing hearings. Defendant was convicted by guilty plea and sentenced to probation and restitution in the amount of \$67,000.

(a) Dates: 1998-1999.

(b) Court and judge, U.S. District Court, Eastern District of Michigan, Hon. Paul D. Borman.

(c) Names, addresses and telephone numbers of co-counsel and counsel for adverse parties:

Counsel for adverse party:

Mr. Leroy Soles
Federal Defender's Office
613 Abbott Street, Floor 5,
Detroit, Michigan 48226
(313) 967-5866

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In 2005, as an Assistant U.S. Attorney, I provided assistance to the Government of Argentina through a Mutual Legal Assistance Treaty. The Government of Argentina requested assistance in its investigation into a terrorist attack involving a car bombing of a Jewish community center in Buenos Aires that killed 85 people and injured 151 others in 1994. I handled the questioning of witnesses.

As the Crisis Management Coordinator for the U.S. Attorney's Office since 2003, I have acted as the federal legal advisor to multi-agency law enforcement security teams for special events in our district, such as the Ryder Cup at Oakland Hills in 2004, Iraqi Out-of-Country Voting in Michigan in 2005, the Major League Baseball All-Star Game in 2005, Super Bowl XL in 2006, Red Bull Air Racing in 2008, and the NCAA Men's College Basketball Tournament Final Four in 2009, as well as in a number of tabletop and field exercises throughout the district. Within the office, I developed a critical incident response plan, the update of which I have supervised each year. I have also conducted training programs and exercises for the U.S. Attorney's Office's critical incident response team. As a result of our successful program in Detroit, I was asked to serve as an instructor for U.S. Attorney's Offices nationwide at the National Advocacy Center, and was invited to serve a one-year detail as the Department of Justice's national coordinator of the program.

In 2002, I served on Governor Granholm's Transition Team for Homeland Security. My work included researching homeland security plans and structures in other states and identifying key challenges for Michigan. We examined critical infrastructure needs, public/private cooperation, border security's impact on the economy, the role of local agencies, the role of the National Guard, the Governor's emergency response powers, and continuity of operations. Our work culminated with a final report and proposals to the Governor.

From 2002 to 2005, I participated in a community outreach group called BRIDGES, comprising law enforcement leaders and leaders in the Arab American and Chaldean American communities to facilitate discussion and foster understanding. Through BRIDGES, I led a discussion on federal law enforcement issues, such as material support to terrorist organizations and charitable giving, and assisted individuals who were incorrectly included on terror watch lists. My outreach efforts were recognized with a Special Recognition Award in 2003.

As a member of the Civil Rights Working Group in the U.S. Attorney's Office, I helped coordinate efforts with personnel in other units of the U.S. Attorney's Office, including criminal and civil division lawyers and paralegals, to share information and facilitate enforcement of civil rights laws. As part of this effort, I have participated in the Advocates and Leaders for Police And Community Trust (ALPACT), a partnership of law enforcement and civil rights leaders that meets monthly.

While in private practice at the Butzel Long law firm, I assisted in several legal matters on behalf of the Mother Waddles Perpetual Mission in Detroit, including a landlord-tenant dispute, and assisted in obtaining a temporary restraining order and preliminary injunction in federal court to enjoin a car donation program from using the Mother Waddles name.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Criminal Law, University of Detroit Mercy School of Law, 2003-present, Criminal Law

Crisis Response Management, National Advocacy Center, U.S. Department of Justice, 2007

Grand Jury Training, U.S. Attorney's Office, 2001

Training for federal agents on writing search warrants, Bureau of Alcohol, Tobacco and Firearms, 2002 and 2003

Training for law enforcement agents regarding surveillance laws, Joint Terrorism Task Force, July 2003

Guest lecture on post-9/11 federal surveillance law, University of Michigan-Dearborn, 2005

Guest lecture on media and the law pertaining to matters of national security, Oakland University, 2003

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

The only future benefits I expect to receive are from a federal government Thrift Savings Plan and my personal retirement accounts, which are listed on my Net Worth Statement.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Financial disclosure report is attached.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached net worth statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In the event of a potential conflict of interest, I will consult with the ethics officials for the Executive Office for United States Attorneys, Department of Justice.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

While in private practice, I provided pro bono legal services to indigent clients through the Detroit Metropolitan Bar Association's Volunteer Legal Services program. Specifically, I represented a client in a landlord-tenant dispute and a client in an expungement proceeding. Since joining the U.S. Attorney's Office, where I may represent no client other than the United States, I have endeavored to contribute \$300 annually to the State Bar of Michigan's Access to Justice Program, as recommended by the State Bar of Michigan.

In addition, I have served in leadership roles in bar organizations and on non-profit boards and committees. As president of the Federal Bar Association this year, I set a goal of increasing pro bono service to indigent clients in federal court cases. I recruited pro bono chairs and directed them to meet with the court's pro bono committee to identify the court's pro bono needs. The court identified a need for representation in its large docket of pro se litigation in mortgage fraud cases. As a result, the FBA recruited lawyers and

law students to handle these cases and developed a training program. Cases are now being assigned to these lawyers.

As a member and officer of the Barristers' Board of the Detroit Metropolitan Bar Association between 1995 and 2001, I helped organize public service projects for the Bar Association, such as holiday food fund drives and clothing drives for the needy, a running race around Belle Isle for children's charities, and the serving of meals at a downtown soup kitchen. Between 1996 and 1998, I chaired the M.E.L.L. program, a partnership of the Medical, Education, Legal and Law Enforcement communities to bring members of each profession into Detroit Public Schools to communicate to elementary school students the importance of safe choices relating to gun use and drug awareness. I served as a speaker at schools in the M.E.L.L. program for many years.

As a member of the Board of Directors of Volunteer Impact, I helped organize several Hands-On Detroit Days between 1995 and 2001, in which volunteers performed community service projects with non-profit agencies throughout Detroit. As part of Hands-On Detroit Day, I organized a law firm challenge to encourage law firms to recruit lawyers and staff to participate as volunteers. On an ongoing basis during this same period, I helped coordinate community service projects for local non-profit agencies, such as Focus:Hope, Gleaners Community Food Bank, Capuchin Soup Kitchen, Greening of Detroit, Habitat for Humanity, Meals on Wheels, Northwest Detroit Neighborhood Development, City of Detroit Recreation Department and Hope Takes Root.

At the U.S. Attorney's Office, I have organized groups of employees to prepare sandwiches at a local food pantry for the homeless.

I have also served as a guest speaker at local schools for the U.S. Attorney's Office's Project Sentry program, speaking to students about the dangers and consequences of using guns. In addition, I have spoken to students on numerous topics.

AFFIDAVIT

I, Barbara L. McQuade, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

11-2-09

(DATE)

Barbara L. McQuade

(NAME)

Beryl A. Robbins

(NOTARY)

BERYL A. ROBBINS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jan 11, 2016
ACTING IN COUNTY OF WAYNE